

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE 2008 EDITION OF THE NATIONAL
ELECTRICAL CODE (NEC) WITH AMENDMENTS INTO THE
2010 CALIFORNIA ELECTRICAL CODE (CEC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

Building standards submitted to the California Building Standards Commission for approval are required by Health and Safety Code Section 18930(a) to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The Department of Housing and Community Development (HCD) has determined that the proposed adoption by reference of the 2008 edition of the National Electrical Code (NEC) with amendments into the 2010 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, does not conflict with, overlap or duplicate other building standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The proposed adoption by reference of the 2008 edition of the National Electrical Code (NEC) with amendments into the 2010 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, is necessary to comply with Health and Safety Code Sections 17921 and 17922 of the State Housing Law; Government Code Section 12955.1; Health and Safety Code Section 17040 of the Employee Housing Act; Health and Safety Code Section 19990 of the Factory-Built Housing Law; and Health and Safety Code Sections 18300 and 18670 of the Mobilehome Parks Act; Health and Safety Code Sections 18865 and 18873.3 of the Special Occupancy Parks Act; and the California Building Standards Commission (CBSC) laws.

The proposed building standards are not within the exclusive jurisdiction of another agency.

3) The public interest requires the adoption of the building standards.

Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose the adoption, amendment, or repeal of building standards into Title 24 of the California Code of Regulations for the protection of public health, safety, and general welfare of the occupant and the public.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious; in whole or in part.

HCD has determined that the proposed building standards are not unreasonable, arbitrary, or capricious; in whole or in part.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

HCD finds that the adoption by reference of the 2008 edition of the National Electrical Code (NEC) with amendments into the 2010 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, results in reasonable costs or costs savings to the public because it updates health and safety standards, provides the most recent methods, and promotes affordable costs. Health and Safety Code Section 17950 mandates that the application of published building standards be applied on a statewide basis which assists in uniformity and cost affordability.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

HCD has determined that the adoption by reference of the 2008 edition of the National Electrical Code (NEC) with amendments into the 2010 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, is neither ambiguous nor vague, either in whole or in part. The language of the California amendments was developed, extensively reviewed, and edited to avoid ambiguity or vagueness.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate. (Health and Safety Code Section 18938 requires a statement of inadequacy of a national specification, published standard, or model code if it does not adequately address the goals of the state agency, OR a statement informing the Commission that no national specification, published standard, or model code that is relevant to the proposed building standards exists.)

HCD is required to review the 2008 NEC and, if appropriate, to include California amendments, also known as State amendments, which are necessary modifications to the model code language to incorporate state and federal law provisions. HCD has included in the proposed 2008 NEC regulations, to be adopted by reference, California amendments which ensure that the model code adequately addresses the goals of the State of California.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

HCD has consulted with, and is using formats obtained from, the California Building Standards Commission.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The proposed adoption by reference of the 2008 edition of the National Electrical Code (NEC) with amendments into the 2010 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, is subject to review and approval by the State Fire Marshal (SFM). A copy of the regulations has been submitted to the SFM for review.